

Colorado Constitution Concerning the Old Age Pension Health and Medical Care Fund

Colorado Constitution, Article XXIV Old Age Pensions

Section 1. Fund created.

A fund to be known as the old age pension fund is hereby created and established in the treasury of the state of Colorado.

Section 2. Moneys allocated to fund.

There is hereby set aside, allocated and allotted to the old age pension fund sums and money as follows:

- (a) Beginning January 1, 1957, eighty-five percent of all net revenue accrued or accruing, received or receivable from any and all excise taxes now or hereafter levied upon sales at retail, or any other purchase transaction; together with eighty-five percent of the net revenue derived from any excise taxes now or hereafter levied upon the storage, use, or consumption of any commodity or product; together with eighty-five percent of all license fees imposed by the provisions of sections 138-6-1 to 138-6-42, both inclusive, of Colorado Revised Statutes 1953, and amendments thereto; provided, however, that no part of the revenue derived from excise taxes now or hereafter levied, for highway purposes, upon gasoline or other motor fuel, shall be made a part of said old age pension fund.
- (b) Beginning January 1, 1957, eighty-five percent of all net revenue accrued or accruing, received or receivable from taxes of whatever kind upon all malt, vinous, or spirituous liquor, both intoxicating and non-intoxicating, and license fees connected therewith.
- (c) All unexpended money in any fund of the state of Colorado, or political subdivision thereof, as of January 1, 1957, which prior to said date has been allocated to the payment of an old age pension.
- (d) All grants in aid from the federal government for old age assistance.
- (e) All inheritance taxes and incorporation fees appropriated under 101-2-2 to 101-2-4, both inclusive, Colorado Revised Statutes 1953, for old age pensions.
- (f) Such other money as may be allocated to said fund by the general assembly.

Section 3. Persons entitled to receive pensions.

From and after January 1, 1957, every citizen of the United States who has been a resident of the state of Colorado for such period as the general assembly may determine, who has attained the age of sixty years or more, and who qualifies under the laws of Colorado to receive a pension, shall be entitled to receive the same; provided, however, that no person otherwise qualified shall be denied a pension by reason of the fact that he is the owner of real estate occupied by him as a residence; nor for the reason that relatives may be financially able to contribute to his support and maintenance; nor shall any person be denied a pension for the reason that he owns personal property which by law is exempt from execution or attachment; nor shall any person be required, in order to receive a pension, to repay, or promise to repay, the state of Colorado any money paid to him as an old age pension.

Section 4. The state board of public welfare to administer fund.

The state board of public welfare, or such other agency as may be authorized by law to administer old age pensions, shall cause all moneys deposited in the old age pension fund to be paid out as directed by this article and as required by statutory provisions not inconsistent with the provisions hereof, after defraying the expense of administering the said fund.

Section 5. Revenues for old age pension fund continued.

The excise tax on sales at retail, together with all license fees levied by the provisions of sections 138-6-1 to 138-6-42, both inclusive, Colorado Revised Statutes 1953, and amendments thereto, are hereby continued in full force and effect beyond the date on which said taxes and license fees would otherwise expire, and shall continue until repealed or amended; provided, however, that no law providing revenue for the old age pension fund shall be repealed, nor shall any such law be amended so as to reduce the revenue provided for the old age pension fund, except in the event that at the time of such repeal or amendment, revenue is provided for the old age pension fund in an amount at least equal to that provided by the measure amended or repealed during the calendar year immediately preceding the proposed amendment or repeal.

Section 6. Basic minimum award.

- (a) Beginning on the effective date of this article, every person entitled to and receiving an old age pension from the state of Colorado under any former law or constitutional provision shall be entitled to receive the basic minimum award hereinafter provided for, without being required to make a new application therefore, and such basic minimum award shall be paid each month thereafter, so long as he remains qualified, to each person receiving an old age pension at the time of the adoption of this article, and such basic minimum award shall likewise be paid to each person who hereafter becomes qualified to receive an

old age pension; subject, however, to the provisions of this article relating to net income from other sources.

- (b) From and after the effective date of this article, the basic minimum award payable to those persons qualified to receive an old age pension shall be one hundred dollars monthly, provided, however, that the amount of net income, from whatever source, that any person qualified to receive a pension may have shall be deducted from the amount of the pension award unless otherwise provided by law.
- (c) The state board of public welfare, or such other agency as may be authorized by law to administer old age pensions, shall have the power to adjust the basic minimum award above one hundred dollars per month if, in its discretion, living costs have changed sufficiently to justify that action.

Section 7. Stabilization fund and health and medical care fund.

- (a) All the moneys deposited in the old age pension fund shall be first available for payment of basic minimum awards to qualified recipients, and no part of said fund shall be transferred to any other fund until such basic minimum awards shall have been paid.
- (b) Any moneys remaining in the old age pension fund after full payment of such basic minimum awards shall be transferred to a fund to be known as the stabilization fund, which fund shall be maintained at the amount of five million dollars, and restored to that amount after any disbursements therefrom. The state board of public welfare, or such other agency as may be authorized by law to administer old age pensions, shall use the moneys in such fund only to stabilize payments of basic minimum awards.
- (c) Any moneys remaining in the old age pension fund, after full payment of basic minimum awards and after establishment and maintenance of the stabilization fund in the amount of five million dollars, shall be transferred to a health and medical care fund. The state board of public welfare, or such other agency as may be authorized by law to administer old age pensions, shall establish and promulgate rules and regulations for administration of a program to provide health and medical care to persons who qualify to receive old age pensions and who are not patients in an institution for tuberculosis or mental disease; the costs of such program, not to exceed ten million dollars in any fiscal year, shall be defrayed from such health and medical care fund; provided, however, all moneys available, accrued or accruing, received or receivable, in said health and medical care fund, in excess of ten million dollars in any fiscal year shall be transferred to the general fund of the state to be used pursuant to law.

Section 8. Fund to remain inviolate.

All moneys deposited in the old age pension fund shall remain inviolate for the purpose for which created, and no part thereof shall be transferred to any other fund, or used or appropriated for any other purpose, except as provided for in this article.

Section 9. Effective date.

This article shall be in force and effect from and after January 1, 1957.